

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1487, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 1, between lines 11 and 12, begin a new line block indented
2 and insert:

3 **"(4) Prohibit a joint owner from filing a petition for partition**
4 **under IC 32-17-4, provided that the petition for partition is**
5 **filed in accordance with and subject to IC 32-23-12-9(d).**

6 **(5) Prohibit any entity with eminent domain powers from**
7 **acquiring all or a portion of the coal land by exercise of**
8 **eminent domain powers."**

9 Page 4, between lines 40 and 41, begin a new paragraph and insert:

10 **"(c) If, before an order confirming the lease pursuant to**
11 **subsection (b) is issued, a party to the proceedings files, in**
12 **accordance with subsection (d), a petition for partition under**
13 **IC 32-17-4 applicable to the coal land, whether solely for the coal**
14 **estate or for estates in the subject land in addition to and including**
15 **the coal estate, the proceedings under this chapter shall be stayed**
16 **during the pendency of the proceeding initiated under IC 32-17-4,**
17 **and upon any final order of partition or sale in that proceeding, the**
18 **proceedings under this chapter shall be terminated.**

19 **(d) Any petition for partition under IC 32-17-4 applicable to the**
20 **coal land filed during the pendency of any petition filed under this**
21 **chapter shall be filed in the same court exercising jurisdiction over**

1 **the petition filed under this chapter. If any defendant in a**
2 **proceeding under this chapter files during the pendency of any**
3 **proceeding under this chapter a petition for partition under**
4 **IC 32-17-4 applicable to the coal land, and the petition for partition**
5 **is subsequently dismissed or terminated prior to a final order of**
6 **partition or sale, the same defendant may not refile a subsequent**
7 **petition for partition applicable to the coal land under IC 32-17-4**
8 **until the proceedings under this chapter are concluded.**

9 **(e) If a petition for partition is filed under IC 32-17-4 after an**
10 **order confirming a lease pursuant to subsection (b) has been**
11 **issued, any land partitioned or sold shall be partitioned or sold**
12 **subject to the lease."**

(Reference is to HB 1487 as printed February 3, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 1.

Senator Steele, Chairperson